

UNITED STATES BANKRUPTCY COURT

Eastern District of Wisconsin

In the Matter of: **Raul Ledesma, Jr.**

Chapter 13

Debtor(s).

Case No. **12-35541****NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN**

Raul Ledesma, Jr. (Name of proponent of modification) has filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

David G. Kingstad
Kingstad Law Firm, LLC
8081 West Layton Avenue, Suite C
Greenfield, WI 53220

If you or your attorney do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
☒ the Debtor;
☐ the Chapter 13 Trustee (post-confirmation modifications only);
☐ the holder of an unsecured claim (Name: _____) (post-confirmation modifications only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
 A. ☐ post-confirmation;
 B. ☒ pre-confirmation (Select i. or ii.):
 i. ☐ Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or
 ii. ☒ Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: Wells Fargo Home Mortgage and Household Finance Corporation III
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: Change Plan requirement, debtor will pay 50% of his net tax refund to the Trustee; increase amount to be paid into Plan; increase monthly Plan payment; increase amount to be paid to Wells Fargo Home Mortgage (claim #2); and strip 2nd mortgage with Household Finance Corporation III (claim #1).
4. The reason(s) for the modification is/are: File a feasible Plan and resolve objection to confirmation of Plan by Wells Fargo Home Mortgage.
5. Select A. or B.
 A. ☐ The Chapter 13 Plan confirmed or last modified on _____ (date) is modified as follows: (State the specific language of the modification.)
 B. ☒ The unconfirmed Chapter 13 Plan dated **11/8/2012** is modified as follows:
 Change requirement, debtors to pay the trustee 50% of all net federal and state income tax refunds received during the length

of his Chapter 13 Plan; increase the amount to be paid into the Plan from \$18,425.40 to \$24,476.20; increase the monthly Plan payment amount from \$141.74 bi-weekly to \$181.00 bi-weekly; increase amount to be paid to Wells Fargo Home Mortgage (claim #2) from \$15,000.00 to \$20,715.12; strip the 2nd mortgage on debtor's residence with Household Finance Corporation (claim #1).

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6 **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated February 13, 2013.

Kingstad Law Firm, LLC
Attorneys for Raul Ledesma, Jr.

By: David G. Kingstad /s/
Atty. Name
Bar No. 1011206

CERTIFICATION

Complete one of the certifications below:

1. I/We, Raul Ledesma, Jr., the debtor(s) in this case, certify that I/we have reviewed the modification to the Chapter 13 plan proposed in this motion, and I/we authorize my/our attorney to file it with the court.

/s/ _____ Date 2/14/2013
Raul Ledesma, Jr., Debtor

OR

2. I, David G. Kingstad, attorney for debtor(s) Raul Ledesma, Jr., certify that I have reviewed the modification proposed above with the debtor(s), and that the debtor(s) has/have authorized me to file it with the court.

Attorney David G. Kingstad
Counsel for the debtor(s)

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: February 14, 2013, at Milwaukee, Wisconsin.

KINGSTAD LAW FIRM, LLC
Attorney for Debtor(s)

Signature: /s/ _____
Name: David G. Kingstad
Bar No. 01011206

Address:
8081 West Layton Avenue, Suite C
Greenfield, WI 53228
(414) 281-5500
FAX (414) 281-5444
e-mail: dgkesq@execpc.com